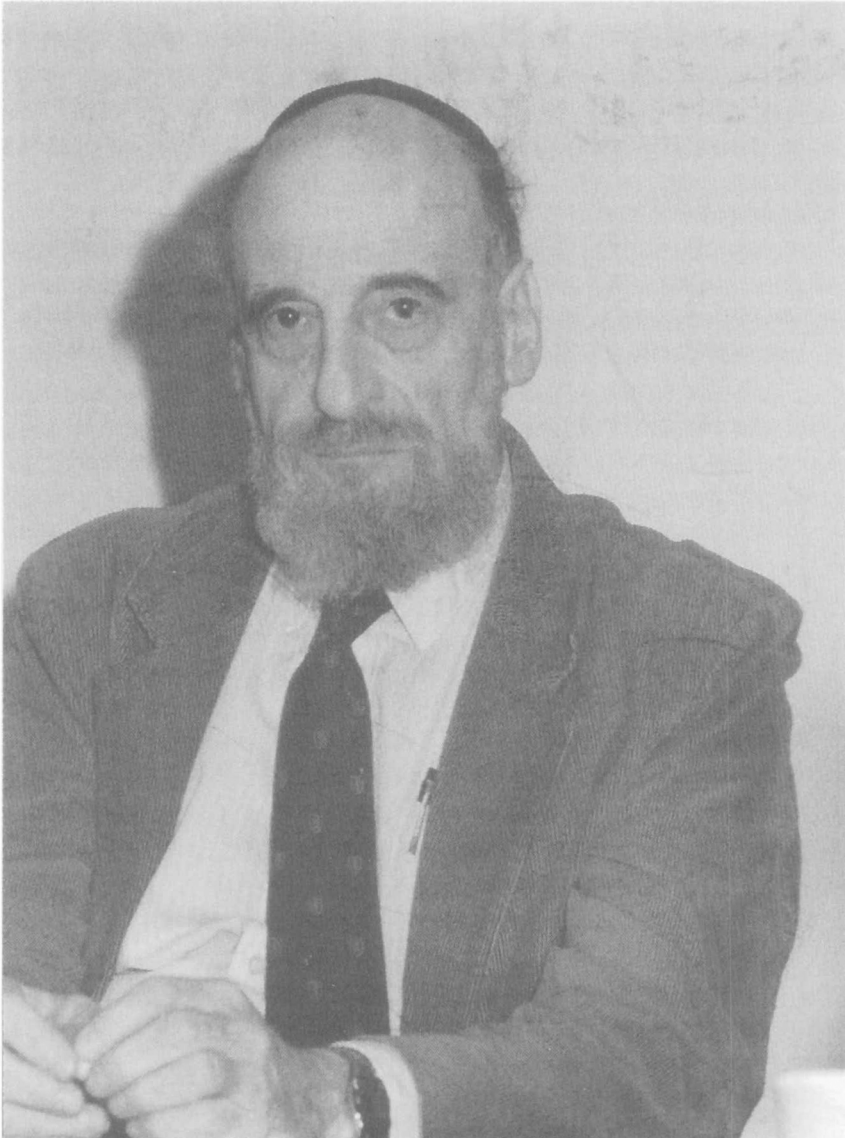


In Memoriam



Ze'ev W. Falk ז"ל

ZE'EV W. FALK: IN MEMORIAM

This issue of the *Israel Law Review* is dedicated to the memory of one of the Hebrew University's prominent professors of law, Professor Ze'ev W. Falk.

Ze'ev Falk, who died two years ago, in September 1998, was born in Breslau, Germany, in 1923, and immigrated to Palestine at the outset of the Second World War (1939).

Falk's interests spanned many fields to which he made original contributions. Special mention should be made of his book *Hebrew Law in Biblical Times: An Introduction* (Jerusalem, 1964), and his two-volume *Introduction to Jewish Law in the Second Commonwealth* (Leiden, 1972-1978). These works reflect Falk's broad knowledge of history, philology, and ancient Near Eastern and Roman law.

Another field that interested Falk since the days of his doctorate (written under the guidance of the historian Prof. I.F. Baer, in Jerusalem in 1959) was that of Jewish family law. In 1969, he founded the Hebrew-English journal *Dinei Israel: An Annual of Jewish Law and Israeli Family Law*, which he then edited for many years. Falk also viewed the law as a social phenomenon and he was always sensitive to the plight of the weaker members of society, of women, children, converts and aliens. It is, therefore, not surprising that he was particularly interested in the ability of the Sages to adjust Halakhah to changing reality. It is in this light that we must view Falk's important study *Marriage and Divorce: Reforms in the Family Law of German-French Jewry* (Jerusalem, 1961, in Hebrew; English version: *Jewish Matrimonial Law in the Middle Ages*, (London, 1966)).

Falk was convinced that Jewish law could, indeed, provide acceptable solutions. In view of this, he was particularly troubled by the unwillingness of contemporary Torah scholars and religious court judges to grapple with the burning issues of the nascent Jewish State. He felt the pain of women refused divorce by their husbands, and attempted to provide a Halachic solution. He dealt with this topic in his book *The Divorce Action by the Wife in Jewish Law* (in Hebrew) in 1973. His research included an empirical examination of files of the Jerusalem

Rabbinical Court. But, as he observed with a note of bitterness in his introduction to the second printing, the religious establishment did not rise to the challenge. Supreme Court Justice Zvi A. Tal commented on this in his essay "In Memoriam of Professor Ze'ev Falk" (30 *Mishpatim* 13ff. (1999, in Hebrew)): "Other solutions have not been suggested. The situation has not improved and we have reached the extreme situation that he [Falk] sought to prevent — a demand for civil marriage and divorce, which also means intermarriage ..." (p. 15).

Falk was an expert on family law in the broadest sense. His expertise was not limited to any one religion or nationality. His international renown was deservedly achieved; until his death, he served as one of the heads of the International Society on Family Law, which he had founded.

Religion's competing interests in providing eternal truths while showing sensitivity to the problems of the here and now merited a special examination in *Religious Law between Eternity and Change: On the Dynamism of Jewish Law in Jewish Thought and on Jewish, Christian and Muslim Attitudes Towards Legal Change* (Jerusalem 1986, in Hebrew).

During the last several years, Falk returned to questions of law and morality, publishing such works as *Religious Law and Ethics: Studies in Biblical and Rabbinical Theonomy* (Jerusalem, 1991).

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This issue of the *Israel Law Review* presents research in fields that were particularly close to Falk's heart: Biblical law, the law of the Second Commonwealth, Jewish history, Jewish law, and the contributions of German and Christian scholars to the study of Jewish law. As can be seen, the relationship of the Jewish world and the world at large has not been forgotten among the papers presented in this issue. This subject was of constant interest to Falk, both as a human being and as a scholar sensitive to human relations who was active in the field of interfaith relations and who placed at the center of all his religious and public activity the commandment: "Thou shalt love thy neighbor as thyself, I am the Lord." May his memory be blessed.

Alfredo Mordechai Rabello